

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF DELAWARE**

NIPPON SHINYAKU CO., LTD., a
Japanese company;

Plaintiff,

V.

SAREPTA THERAPEUTICS, INC., a
Delaware corporation

Defendant.

CIVIL ACTION NO. 21-1015 (LPS)

**PLAINTIFF NIPPON SHINYAKU CO., LTD.'S
UNOPPOSED MOTION FOR LEAVE TO FILE UNDER SEAL**

Plaintiff Nippon Shinyaku Co., Ltd. (“Nippon Shinyaku” or “Plaintiff”), by and through its undersigned attorney, hereby moves the Court for an Order permitting it to file the instant Motion to Seal and its Opposition to Defendant’s Motion to Strike and to Dismiss Claims II-IX of Plaintiff’s Complaint (the “Opposition”) under seal. Counsel for defendant Sarepta Therapeutics, Inc. (“Sarepta” or “Defendant”) has represented that Sarepta does not oppose the instant motion to seal. The grounds for this motion are as follows:

1. The instant action arises out of, in part,

Plaintiff and Defendant. Sarepta's alleged

_____ forms the basis for Nippon Shinyaku's asserted _____ in its operative Complaint, which is discussed in the Opposition.

2. [REDACTED]

[REDACTED]. See D.I. 1-2, [REDACTED]

3. The Opposition [REDACTED].

4. Although Nippon Shinyaku [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED].

5. This Court has the “inherent equitable power to grant confidentiality orders.” *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 785-86 (3d Cir. 1994). While there is a “presumption in favor of public accessibility,” the Court has authority to seal documents “when justice so requires,” provided the party requesting sealing demonstrates that the “interest in secrecy outweighs the presumption” of access. *In re Motions for Access of Garlock Sealing Techs. LLC*, 488 B.R. 281, 299–300 (D. Del. 2013) (quoting *LEAP Sys., Inc. v. MoneyTrax, Inc.*, 638 F.3d 216, 221–22 (3d Cir. 2011)). Thus, “courts may deny access to judicial records, for example, where they are sources of business information that might harm a litigant’s competitive standing.” *Littlejohn v. Bic Corp.*, 851 F.2d 673, 678 (3d Cir. 1988) (citing *Nixon v. Warner Comm., Inc.*, 435 U.S. 589, 598 (1978)); see also Fed. R. Civ. P. 26(c)(1)(G) (identifying “confidential . . . commercial information” as one category of information that can be protected via court order); see also *Mylan Inc. v. SmithKline Beecham Corp.*, 723 F.3d 413, 415 n.3 (3d Cir. 2013) (finding good cause to seal documents “to protect the parties’ confidential proprietary business and competitive interests”). [REDACTED]

[REDACTED] that party has a privacy interest [REDACTED]

[REDACTED] See *LEAP Sys.*, 638 F.3d at 222.

6. In the instant action, permitting Nippon Shinyaku to file the instant Motion to Seal and its Opposition under seal will preserve the status quo with respect to [REDACTED]

[REDACTED]. These interests in secrecy outweigh any presumption or interest that may exist in favor of public access to the details of a private and [REDACTED]

WHEREFORE, Nippon Shinyaku respectfully requests that the Court issue an order permitting Nippon Shinyaku to file the instant Motion to Seal and its Opposition under seal and for these documents to remain under seal, with redacted versions to be filed in accordance with the D. Del. Local Rules.

Dated: September 17, 2021

Respectfully submitted,

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